

Agreement between the Government of the United States of America and the
Government of the Republic of Congo regarding the surrender of persons to
the International Criminal Court

The Government of the United States of America and the
Government of the Republic of Congo, hereinafter "the
Parties,"

Reaffirming the importance of bringing to justice those who commit
genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal
Court done at Rome on July 17, 1998 by the United Nations
Diplomatic Conference of Plenipotentiaries on the Establishment of
an International Criminal Court is intended to complement and not
supplant national criminal jurisdiction,

Considering that the Parties have each expressed their intention to
investigate and to prosecute where appropriate acts within the
jurisdiction of the International Criminal Court alleged to have
been committed by their officials, employees, military personnel or
other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

Article 1. For purposes of this agreement, "persons" are current
or former Government officials, employees (including
contractors), or military personnel or nationals of one Party.

Article 2. Persons of one Party present in the territory of
the other shall not, absent the express consent of the first
Party,

- (a) be surrendered or transferred by any means to the
International Criminal Court for any purpose, or
 - (b) be surrendered or transferred by any means to any other
entity or third country, or expelled to a third country, for
the purpose of surrender to or transfer to the International
Criminal Court.
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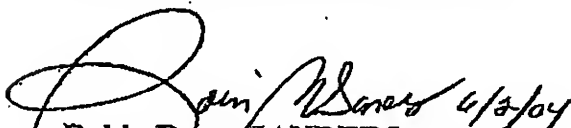
Article 3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Congo to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of the Republic of Congo.

Article 4. When the Government of the Republic of Congo extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Congo will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the express consent of the Government of the United States of America.

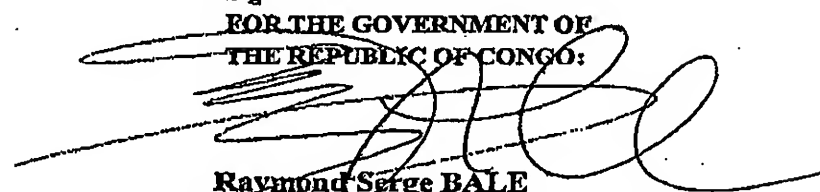
Article 5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done in Brazzaville, in duplicate originals, this 2nd day of June 2004, in the English and French languages, both texts being equally authentic.

Signed
FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:


Robin Renee SANDERS
U.S. Ambassador Extraordinary
and Plenipotentiary
to the Republic of Congo

Signed
FOR THE GOVERNMENT OF
THE REPUBLIC OF CONGO:


Raymond Serge BALE
Ambassador, Secretary General
Ministry of Foreign Affairs,
Cooperation and Francophony

RRS

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